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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: pending Patent Application  
of:

Basil B. Tilling, et al.

Serial No. 10/727,279

Filing Date 12/03/2003

For: "Fuel Transfer Coupling"

Docket No. 120303

Group Art Unit: 3753

Examiner: Kevin L. Lee

June 5, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313 on June 5, 2006.

Christopher J. Whelan  
Signature

6/5/06  
Date

Response to Restriction Requirement

Sir,

Applicants acknowledge receipt of the Restriction Requirement in the above-identified

Application for patent dated May 16, 2006.

Applicant's respectfully traverse the restriction requirement. In the 5/16/06 Office Action, the Restriction Requirement alleges that:

"the apparatus as claimed can be used to practice another and materially different process such as controlling the fluid flow from a tank to a distribution system."

Applicants respectfully submit that "controlling the fluid flow from a tank to a distribution system" is not a materially different process than that claimed by Applicants. An automobile fuel system IS ITSELF a distribution system, in which fuel from a vehicle's tank is well-known to be distributed by an

on-board fuel distribution system, conventionally employing fuel rails having a plurality of fuel injectors attached thereto, and alternatively a carburetion or throttle-body injection system, which acts in conjunction with an on-board intake manifold, to distribute fuel to the engine's cylinders. Thus, we respectfully submit that the allegation in the Restriction Requirement that "controlling the fluid flow from a tank to a distribution system" constitutes a materially-different process, is redundant to the process inherent in Applicants' specification, which definitely comprises a distribution system for the fuel. We therefore respectfully submit that the Restriction Requirement should be re-considered and withdrawn, because the process in Applicants' specification does not differ from that alleged as being materially different in the Restriction Requirement.

The Groups of the claims originally filed in this case, per the 5/16/06 Office Action are as follows:

<b>Group</b>	<b>Claims</b>	<b>Class</b>	<b>Subclass</b>
I	1-7, 13, 14	137	614.04
II	8-10	123	518

Applicants respectfully submit that examination of the claims of Group I should inherently require a search and examination of the art in Class 123, Subclass 518, because the processes described in the art in class/subclass 123/518 might be reasonably expected to include structures that might be material to patentability of Applicants' invention, if such structures do in fact exist, which we doubt.

Similarly, the examination of the claims of Group II should inherently require a search and examination of the art in Class 137, Subclass 614.04 because the structures used in carrying out the processes in the art in class/subclass 137/614.04 might be reasonably expected to include those material to patentability of Applicants' process claims, if such structures exist, which we doubt.

It thus seems that examination of either one group of claims should involve examination of the class/subclass of the other group recited in the 5/16/06 Office Action. For this reason, and the fact that "controlling the fluid flow from a tank to a distribution system" is not a process which is materially different than that to which Applicants' inventions pertain, Applicants respectfully request that the Restriction Requirement in the 5/16/06 paper be reconsidered and withdrawn.

Favorable reconsideration and withdrawal of the Restriction Requirement dated 5/16/06 is thus respectfully requested. In the event that the Examiner will not withdraw the Restriction Requirement, Applicants respectfully request that the Examiner make the requirement final in the next Office paper so that the Applicant may file a Petition with the Commissioner for Review.

Towards advancement of prosecution of this matter, in the event the Examiner does not agree that restriction is improper, then Applicants hereby elect the claims of Group I, claims 1-7, 13, 14 for further prosecution on the merits. As mentioned, this election by Applicants is made with traverse, for the reasons set forth above.

Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Christopher J. Whewell". The signature is fluid and cursive, with a large, stylized initial "C" and a long, sweeping underline.

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